

Government
Exhibit3500 - KJ - 6
13-CR-607(JFB)

Date of entry 05/28/2014

FEDERAL BUREAU OF INVESTIGATION

KENNETH A. JOWDY, date of birth (DOB) [REDACTED], was interviewed at the FBI office located in Melville, NY. Also present during the interview were JOWDY's attorney, Tom Harvey and SA Joshua Wayne of the IRS. After being advised of the identities of the interviewing Agents and the nature of the interview, JOWDY provided the following information:

BRYON DAFOE, JASON ALLISON, OWEN NOLAN and ETHAN MOREAU all received a 1% interest in Diamante Cabo San Lucas for investing and losing money in Diamante Del Mar.

In August 2002, PHIL KENNER asked JOWDY to send \$250,000 from one of JOWDY's Mexico bank accounts to EUFORA's bank account in the United States. A day or two earlier, money was sent to JOWDY's account by some of KENNER's clients who were currently playing in the National Hockey League (NHL). At the direction of KENNER, the money was sent to JOWDY to invest in the Diamante Del Mar project. KENNER told JOWDY, EUFORA was just starting and was run by a friend of his, TOMMY CONSTANTINE. The \$250,000 would give KENNER and JOWDY a 5% interest in EUFORA, which they would split evenly. KENNER said he would replace the money in JOWDY's Mexico account. JOWDY eventually asked KENNER to send the money back because he needed it for the Del Mar project. Two of KENNER's clients sent \$125,000 each to JOWDY's account to replace the \$250,000. At some point, KENNER told JOWDY he gave the player 2.5% interest in EUFORA and KENNER kept the other 2.5%. The player who sent the original \$250,000 for the Del Mar project, did not receive any interest in Diamante Del Mar.

The property at Diamante Cabo San Lucas cost 65 million dollars to purchase. JOWDY became aware of the property in December 2004 and went to contract in January 2005. JOWDY closed on the property in March 2006. The property consists of 1500 acres. JOWDY and KENNER had an agreement where JOWDY would get a lending institution to fund the project and KENNER needed to raise the 10% down payment (6.5 million) by April 2005. JOWDY was under the impression KENNER was going to get the funds through hard money lenders with the Hawaii project KENNER was involved with. Approximately \$125,000 in penalties were assessed for missing the deadline. JOWDY secured an agreement with Lehman Brothers to fund the project up to 125 million dollars, but Lehman would not sign off on the deal until the 10% down

Jowdy tells FBI that Kenner was supposed to get the funds personally for the deal -- not thru Hawaii hard money lenders -- yet the hard money lenders did get Jowdy 1.5mm thru Centrum and Manfredi)...

Investigation on 05/06/2014 at Melville, New York, United States (In Person)

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by GALIOTO MATTHEW

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payment was complete. The full down payment was not complete until September 2005. The 6.5 million was suppose to come directly from KENNER. The Lehman Brothers loan balance was at 107.5 million dollars when Lehman went bankrupt on 9/15/2008.

JOWDY did not have the capital to contribute to the Diamante Cabo project. KENNER told JOWDY he would give him the 2.5 million and JOWDY would give KENNER another 5% interest in the Diamante Del Mar project.

KENNER would also contribute 2.5 million and KENNER's clients would make up the approximately 2 million dollar difference. JOWDY gave KENNER a copy of the operating agreement for Diamante Cabo San Lucas but doesn't know if KENNER showed it to his clients. JOWDY did receive signed copies of the agreement from KENNER's client's.

KENNER borrowed money from JERE LEHTINEN and JOZEF STUMPLE for the down payment for the Cabo property. At the closing in March 2006, KENNER was listed as the sole owner of BAJA VENTURES 2006(BV 2006), which had 39% of the Diamante Cabo project.

During the GLEN MURRAY/JOWDY lawsuit, JOWDY saw a promissory note for STUMPLE and LEHTINEN which showed KENNER pledge 5% interest in BV 2006 to both STUMPLE and LEHTINEN. JOHN KAISER also showed JOWDY and agreement between KAISER and KENNER where KENNER assigned his 90% interest in BV 2006 to KAISER.

BAJA DEVELOPMENT sent \$50,000 to STUMPLE around October 2005. KENNER asked JOWDY to send it to STUMPLE.

Money JOWDY received from KENNER's Hawaii project was KENNER's money and depending on the timing, was used for the Diamante Cabo closing and other Mexican expenses.

Approximately in the Fall of 2006, BOB GAUDET, came to JOWDY with a folder which contained information on purchasing property in the Los Frailes area of Mexico. GAUDET told JOWDY it was a good opportunity.

JOWDY gave the folder to, FARNANDO GARCIA, an attorney in Mexico JOWDY used. A few days later, GARCIA told JOWDY it would take a while before the Los Frailes property had clean title and it was too complicated to invest in. JOWDY told GAUDET what GARCIA found out and decided not to invest with GAUDET. It took JOWDY four and a half years to get title to the Diamante Del Mar property.

Around six months later, GARCIA told JOWDY that KENNER was investing in the Los Frailes property GAUDET mentioned. GAUDET and KENNER asked GARCIA to write up the contract between them and the seller of the Los Frailes property. JOWDY believes GARCIA told GAUDET and KENNER the same thing

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about GARCIA's thoughts on investing in the Los Frailes property. In the Spring of 2007, JOWDY approached KENNER about why he didn't tell him about investing in Los Frailes. KENNER told JOWDY he didn't want to get him mad.

GAUDET told JOWDY the Los Frailes project did not conflict with the Diamante Cabo San Lucas project. GAUDET was the Diamante golf pro and he also had a real estate brokers license.

JOWDY and KENNER's relationship fell apart in Summer or Fall of 2007.

GAUDET stayed loyal to KENNER. In February 2008, GAUDET told JOWDY he was going home to Canada to spend time with his kids. JOWDY found out GAUDET went to Arizona to attend a Super Bowl party thrown by KENNER that was dubbed a "Diamante Sales Pitch." JOWDY fired GAUDET when he returned to Mexico.

GAUDET loaned Diamante Air \$125,000. GAUDET had an agreement to be paid half of the 1.1 million dollar commission Diamante paid to close on the Cabo San Lucas property. GAUDET was never paid back the loan from Diamante Air.

In and around 2005, JOWDY became aware an investment opportunity in the Cabo San Lucas airport located near the property they were looking at.

SEBASTIAN ROMO and the BULNES family owned the airport. ROMO owned 67% and the BULNES family owned 33%. JOWDY was friends with LOUIS BULNES.

ROMO was going to sell 25% of his 67% to JOWDY for six million dollars.

JOWDY told KENNER about the opportunity and KENNER told him he would fund the investment. Around \$1,070,000 was sent to ROMO through JOWDY's LOR MANAGEMENT bank account in Mexico before Diamante closed on the Cabo San Lucas property in March 2006. ROMO stopped the sale when he became aware JOWDY and BULNES were friends and together they would have a majority interest in the airport. ROMO has not returned the money. MATTIAS NORSTROM and STUMPLE invested a majority of the 1.1 million dollars in the airport.

JOWDY has never spoke with NORSTROM, STUMPLE or LEHTINEN